

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH WARD, by his)
next friend FRANCES)
BOURLIOT; MICHAEL)
ANDERSON, by his next)
friend PHIL CAMPBELL;)
ISAAC LEMELLE, by his)
next friend MARK)
WESTENHOVER; MARC)
LAWSON, by his next)
friend KRISTA CHACONA;)
JENNIFER LAMPKIN, by her) CIVIL ACTION NO.
next friend ELSIE CRAVEN;) 1:16-cv-00917-LY
CECIL ADICKES, by his)
next friend ELSIE CRAVEN;)
MICHAEL GIBSON, by his)
next friend MARK)
WESTENHOVER, KENNETH)
JONES, by his next)
friend PATRICIA SEDITA;)
and MARY SAPP, by her)
next friend, LOURDES)
RODRIGUEZ,)

Plaintiffs,)

VS.)

COURTNEY PHILLIPS, in her)
official capacity as)
Commissioner of the Texas)
Department of Health and)
Human Services,)

Defendant.)

REPORTER'S CERTIFICATION
ORAL DEPOSITION OF
MIKE MAPLES
APRIL 15, 2019
Volume 1

1 I, Marlene Erives, Certified Shorthand
2 Reporter in and for the State of Texas, hereby
3 certify to the following:

4 That the witness, MIKE MAPLES, Volume 1,
5 was duly sworn by the officer and that the
6 transcript of the oral deposition is a true
7 record of the testimony given by the witness;

8 That the deposition was submitted on
9 April 24, 2019 to Mr. Michael R. Abrams,
10 attorney for the witness, for examination,
11 signature, and return to me by May 29, 2019;

12 That the amount of time used by each party at
13 the deposition is as follows:

14 Ms. Beth Mitchell - 2 Hours: 50 Minutes

15 That pursuant to information given to the
16 deposition officer at the time said testimony was
17 taken, the following includes counsel for all
18 parties of record:

19 Beth Mitchell, Peter Hofer, Lisa Snead and
20 Coty Meibeyer, Attorneys for Plaintiffs

21 Michael R. Abrams, Thomas A. Albright and
22 Corey D. Kintzer, Attorneys for Defendant

23 I further certify that I am neither counsel
24 for, related to, nor employed by any of the parties
25 or attorneys in the action in which this proceeding
was taken, and further that I am not financially or

Mike Maples
April 15, 2019

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1 otherwise interested in the outcome of the action.

2 Certified to by me this 24 day of

3 April, 2019.

4
5
6
7
8 *Marlene Erives*

9
10 MARLENE ERIVES, CSR
11 Texas CSR 7454
12 Expiration: 10/31/21
13 TCRB Registration No. 344
14 U.S. Legal Support, Inc.
15 701 Brazos, Suite 380
16 Austin, Texas 78701
17 (512) 292-4249
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25 JOB NO. 292667

Mike Maples
April 15, 2019

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CHANGES MADE TO DEPOSITION

No erasures or obliterations of any kind are to be made to the original testimony as transcribed by the deposition officer. Please enter the page number, line number and reason for such change or correction below.

WITNESS NAME: MIKE MAPLES

DATE OF DEPO: APRIL 15, 2019

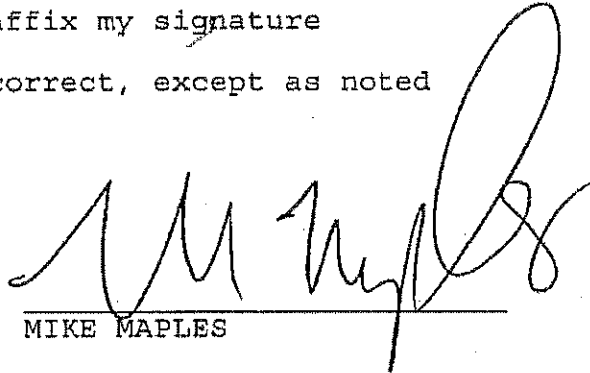
PAGE LINE	CHANGE	REASON
p. 12, l.7	Add "Health and" before "Specialty"	Proper name of division
p. 47, l. 16	Strike "Yank" add "Gaines"	Name correction
p. 77, l.18	Strike "know"add "null"	Correction

U.S. LEGAL SUPPORT, INC
713-653-7100

Mike Maples
April 15, 2019

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1 I, MIKE MAPLES, have read the foregoing
2 deposition and hereby affix my signature
3 that same is true and correct, except as noted
4 above.

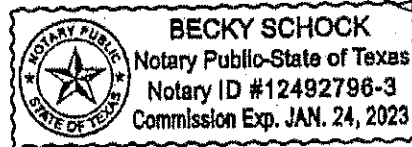
5
6
7 
MIKE MAPLES

8
9 THE STATE OF TEXAS)

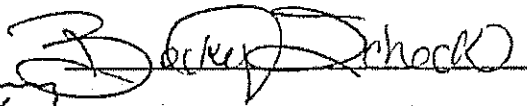
10 COUNTY OF TRAVIS)

11 Before me, Becky Schock, on this day
12 personally appeared MIKE MAPLES, known to
13 me (or proved to me under oath or through
14 Driver's Lic.) (description of identity card or
15 other document) to be the person whose name is
16 subscribed to the foregoing instrument and
17 acknowledged to me that they executed the same for
18 the purposes and consideration therein expressed.

19 Given under my hand and seal of office this
20 16 day of May
21 2019.



Notary without Bond


NOTARY PUBLIC IN AND FOR

THE STATE OF Texas

COMMISSION EXPIRES: 1/24/2023

1 forensic has exceeded the capacity. As long as we
2 have people needing admission and needing civil as
3 well, we have to maintain the ability to make sure
4 that the diverse needs are met because we also have
5 a lot of demand for the civil side of people
6 needing to come in. So, again, I'm not familiar
7 with the day-to-day decision of whether that bed
8 gets a civil or a forensic. But generally, we make
9 a balance of that to try to meet the needs of the
10 State at any given time, in any given community.
11 It's different at each hospital.

12 Q. So what I heard you just say is that the
13 reason that a person gets put on the waiting list
14 is because at the time there is no bed available?

15 A. That's my understanding, right.

16 Q. Okay. Do you know what the waiting lists
17 are currently called because it seems like the
18 names have changed over the years?

19 A. Can you clarify? I mean --

20 Q. So we talked about the waiting list and
21 what those were, right, in terms of the individuals
22 who get put on the waiting list? We were talking
23 about people who were found incompetent to stand
24 trial and then ordered to the hospital and/or
25 possibly people who were not guilty by reason of

1 A. It would be referencing, I'm assuming, the
2 first quarter.

3 Q. Okay. And so on page 14 it has Table 7
4 that says, "Forensic State Hospital Bed Waiting
5 List (Non-maximum Security)"; do you see that?

6 A. I do.

7 Q. Page 23. Sorry.

8 And so that is the clearinghouse
9 waiting list, correct?

10 A. Correct. The first table?

11 Q. Yes, correct, the first table. Table 7.
12 And based on Table 7, it says the number of people
13 that are currently waiting for a State hospital bed
14 (non-maximum security) is 269 people; is that
15 correct?

16 A. Correct.

17 Q. And the average time that they remain on
18 the waiting list is 44 days?

19 A. Correct.

20 Q. And during that time that they remain on
21 the waiting list, they are in jail?

22 A. Correct.

23 Q. And then if we go to Table 8, that table
24 in this quarterly report is the maximum security
25 bed waiting list, correct?

1 A. Correct.

2 Q. And it says that the number of people on
3 the maximum security bed waiting list is 463
4 people?

5 A. Correct.

6 Q. And 215 of those people -- sorry. The
7 average number of days that the people remained on
8 the MSU waiting list was 215 days?

9 A. Correct.

10 Q. And during those 215 days, they generally
11 remain in the jail?

12 A. Correct.

13 Q. And the reason they're on the waiting list
14 is because there's no bed available at that time
15 for those people?

16 A. Correct.

17 Q. And the people who are on these waiting
18 lists, do they come from all across the state of
19 Texas?

20 A. Yes. And without seeing the actual list,
21 I can't tell you if it's -- it comes from -- it's
22 distributed, but I can't -- there are places that
23 don't have people on the waiting list as well. But
24 it is from an accumulation from people coming in
25 from all over the State.

1 Q. Okay. So based on this -- the quarterly
2 report that we were just looking at, does it
3 indicate the number of people found not guilty by
4 reason of insanity who are on the list?

5 A. I do not believe so. I do not believe the
6 NGRI, again as we talked about, whether it's a
7 sub-list or a secondary list, I do not believe this
8 report addresses the NGRI folks.

9 Q. Okay. Would you say that it's accurate
10 that the NGRI population continues to rise?

11 A. As far as a portion of our population,
12 yes, it is more than it used to be. But that
13 waiting list -- are you talking about the waiting
14 list -- it comes and goes. But as a proportion of
15 our overall capacity, it has grown.

16 Q. And do you know anywhere where there would
17 be a number of people who have been found NGRI and
18 were placed on a waiting list?

19 A. Say that again, please.

20 Q. So when we look at the quarterly report,
21 there was no identification of whether there was
22 anybody who was NGRI waiting to go into the only
23 facility they can go into which is MSU, correct?

24 A. Only if they've been found dangerous. If
25 you don't have that finding, you don't have to go